

ORIGINAL

Original Copy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

MICHELLE COCHRAN,

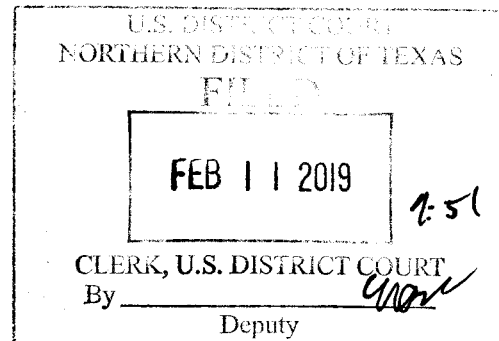
Plaintiff

v.

U.S. SECURITIES AND EXCHANGE
COMMISSION, JAY CLAYTON, in his
official capacity as Chairman of the U.S.
Securities and Exchange Commission, and
MATTHEW G. WHITAKER, in his official
capacity as Acting United States Attorney
General,

Defendants.

CIVIL ACTION NO: 4:19-cv-00066-A



MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiff Michelle Cochran hereby moves for a preliminary injunction enjoining Defendants from continuing a reinstituted administrative proceeding under the Order Instituting Administrative and Cease-and-Desist Proceedings (OIP) issued by Defendant U.S. Securities and Exchange Commission on April 26, 2016.

As set forth more fully in the Brief in Support of Plaintiff's Motion for Preliminary Injunction, a preliminary injunction is appropriate for all of the following non-exclusive reasons:

1. There is a substantial likelihood that Ms. Cochran will succeed on the merits of her claim that SEC ALJs hold their offices in violation of Article II of the Constitution and that her current enforcement proceeding is therefore unconstitutional and void *ab initio*;

2. Ms. Cochran will suffer irreparable harm if the requested preliminary injunction is not issued and she is subjected to an unconstitutional administrative proceeding.

3. The harm that Ms. Cochran would suffer as a result of the denial of the injunction outweighs the harm, if any, Defendants would suffer if the injunction were granted.

4. A preliminary injunction will serve the public interest.

WHEREFORE, Plaintiff prays this Court issue all process necessary and appropriate to:

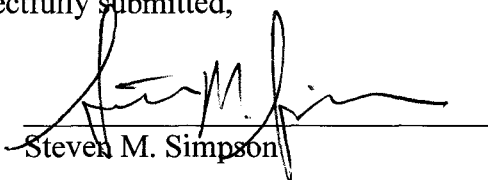
A. Enjoin Defendants from the continuing administrative enforcement proceedings against Plaintiff under the April 26, 2016 OIP;

B. Grant such further and other relief as this Court deems just and proper.

Dated: February 8, 2019

Respectfully submitted,

By:



Steven M. Simpson

Steven M. Simpson, DC Bar No. 462553*

Margaret A. Little, CT Bar No. 303494*

New Civil Liberties Alliance

1225 19th St. NW, Suite 450

Washington, DC 20036

Telephone: 202-869-5210

Fax: 202-869-5238

Email: steve.simpson@ncla.legal

Email: peggy.little@ncla.legal

*Admitted *pro hac vice*

Karen Cook (TX Bar No. 12696860)

Karen Cook, PLLC

1717 McKinney Avenue

Suite 700

Dallas, TX 75202

Telephone: 214-593-6429

Fax: 214-593-6410

Email: karen@karencooklaw.com

Attorneys for Plaintiff Michelle Cochran

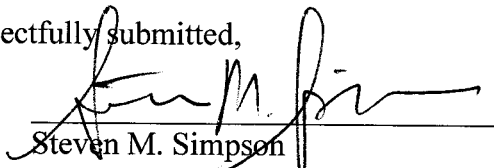
CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1, I certify that on February 8, 2019, I had a telephonic conference with counsel for the Defendants in this action. Present in addition to myself were Chetan Patil and Cesar Lopez-Morales of the United States Justice Department.

Mr. Patil informed me that the Defendants oppose Plaintiff's motion for preliminary injunction because the Defendants disagree with the legal basis for Plaintiff's claims and arguments.

Respectfully submitted,

By:



Steven M. Simpson

Steven M. Simpson, DC Bar No. 462553*

Margaret A. Little, CT Bar No. 303494*

New Civil Liberties Alliance

1225 19th St. NW, Suite 450

Washington, DC 20036

Telephone: 202-869-5210

Fax: 202-869-5238

Email: steve.simpson@ncla.legal

Email: peggy.little@ncla.legal

*Admitted *pro hac vice*

CERTIFICATE OF SERVICE

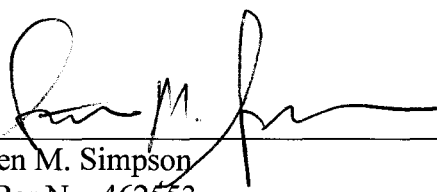
I certify that on this 9th day of February, 2019, I served copies of documents listed below on counsel for all Defendants in this action pursuant to Federal Rule of Civil Procedure 5(b)(2)(C) delivering copies to the U.S. Postal service to be sent by mail to:

Chetan A. Patil
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs
Branch
1100 L Street, NW
Room 12518
Washington, DC 20005

Counsel for Defendants

Documents served:

Plaintiff's Motion for Preliminary Injunction including LR 7.1 certificate of conference
Plaintiff's Brief in Support of Motion for Preliminary Injunction
Plaintiff's Appendix in Support of Motion for Preliminary Injunction



Steven M. Simpson
DC Bar No. 462553
Admitted *pro hac vice*